

UNITED STATES DISTRICT COURT

Southern

District of

New York

MARC S. KIRSCHNER,
as Trustee of the Refco Litigation Trust
Plaintiff,

v.

THOMAS H. LEE PARTNERS, L.P.; THOMAS H.
LEE ADVISORS, LLC; THL MANAGERS V, LLC;
THL EQUITY ADVISORS V, L.P.; THOMAS H.
LEE EQUITY FUND V, L.P.; THOMAS H. LEE
PARALLEL FUND V, L.P.; THOMAS H. LEE
EQUITY (CAYMAN) FUND V, L.P.; THOMAS H.
LEE INVESTORS LIMITED PARTNERSHIP;
1997 THOMAS H. LEE NOMINEE TRUST;
THOMAS H. LEE; DAVID V. HARKINS; SCOTT
L. JAECKEL; and SCOTT A. SCHOEN,
Defendants

TO: (Name and address of Defendant)

SEE ATTACHED RIDER

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

07 CIV 7074

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Scott A. Edelman
Millbank, Tweed, Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005

an answer to the complaint which is served on you with this summons, within 20 days after service
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you
for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the
Clerk of this Court within a reasonable period of time after service.

J. MICHAEL MURAHON

CLERK

Maros Quintero

DATE

'AUG 08 2007

(By) DEPUTY CLERK

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾ Kylie Davidson	DATE August 23, 2007
NAME OF SERVER (PRINT) Kylie Davidson	TITLE Attorney

Check one box below to indicate appropriate method of service

- Served personally upon the defendant. Place where served:
- Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

- Returned unexecuted:

Other (specify): **Personally served Defendants' agent, their attorney Seth Goodchild, Esq. at Weil, Gotshal & Manges LLP, pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure.**

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
		\$0.00

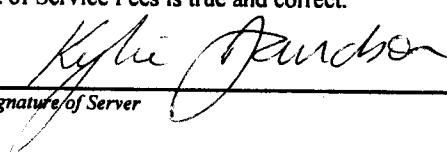
DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

8/27/07

Date

Signature of Server

1 Chase Manhattan Plaza, New York, N.Y. 10005
Address of Server

⁽¹⁾ As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

RIDER TO SUMMONS

THOMAS H. LEE PARTNERS, L.P. 75 State Street Suite 2600 Boston, MA 02109	THOMAS H. LEE ADVISORS, LLC 75 State Street Suite 2600 Boston, MA 02109
THL MANAGERS V, LLC 75 State Street Suite 2600 Boston, MA 02109	THL EQUITY ADVISORS V, L.P. 75 State Street Suite 2600 Boston, MA 02109
THOMAS H. LEE EQUITY FUND V, L.P. 75 State Street Suite 2600 Boston, MA 02109	THOMAS H. LEE PARALLEL FUND V, L.P. 75 State Street Suite 2600 Boston, MA 02109
THOMAS H. LEE EQUITY (CAYMAN) FUND V, L.P. 75 State Street Suite 2600 Boston, MA 02109	THOMAS H. LEE INVESTORS LIMITED PARTNERSHIP 75 State Street Suite 2600 Boston, MA 02109
1997 THOMAS H. LEE NOMINEE TRUST 75 State Street Suite 2600 Boston, MA 02109	THOMAS H. LEE c/o Thomas H. Lee Partners, L.P. 75 State Street Suite 2600 Boston, MA 02109
DAVID V. HARKINS c/o Thomas H. Lee Partners, L.P. 75 State Street Suite 2600 Boston, MA 02109	SCOTT L. JAECKEL c/o Thomas H. Lee Partners, L.P. 75 State Street Suite 2600 Boston, MA 02109
SCOTT A. SCHOEN c/o Thomas H. Lee Partners, L.P. 75 State Street Suite 2600 Boston, MA 02109	

Fishman, Eric

From: seth.goodchild@weil.com
Sent: Monday, August 20, 2007 12:42 PM
To: Edelman, Scott
Cc: Davidson, Kylie; Fishman, Eric; Tomback, Andrew E.; greg.danilow@weil.com; richard.davis@weil.com
Subject: Acceptance of Service -- Kirschner v. THLP, 07 Civ. 7074

Scott,

In response to your email to Greg and Rich of this morning, we will accept service on behalf of all the defendants in this action, including both the entities outlined in your prior email as well as the four individuals (subject, of course, to preservation of defenses). To the extent you have been planning to serve the four individuals personally, please let us know immediately as we believe that would be inappropriate given our willingness to accept service on their behalf.

Thanks,

Seth

Seth Goodchild, Esq.
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767 Fifth Avenue
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< END >

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MILBANK, TWEED, HADLEY & McCLOY LLP

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August 23, 2007

VIA HAND DELIVERY

Seth Goodchild, Esq.
Weil, Gotshal & Manges LLP
767 Fifth Avenue
New York, New York 10153

Re: Kirschner v. Thomas H. Lee Partners, L.P., et al., No. 07-7074 (S.D.N.Y.)

Dear Seth,

We write as counsel to Marc Kirschner, in his capacity as Trustee to the Refco Litigation Trust, the Plaintiff in the above-captioned lawsuit filed against your clients (the "Defendants") in the Southern District of New York. As per your e-mail to me of August 20, 2007 in which you stated that you would accept service on behalf of all the Defendants (in lieu of personal service on the Defendants themselves), and pursuant to Rule 4(e)(2) of the Federal Rules of Civil Procedure, please find enclosed copies of the Summons, Complaint, and applicable Electronic Case Filing materials.

Yours sincerely,



Scott A. Edelman

Encls.